

Barry J. Glickman, Esq.
Brigitte M. Nahas Botta, Esq.
ZEICHNER ELLMAN & KRAUSE LLP
575 Lexington Avenue
New York, New York 10022
(212) 223-0400

Attorneys for Defendant
Citibank, N.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FISCHER & MANDELL LLP,

Case No. 09 Civ. 01160 (RJS)

Plaintiff,

- against -

NOTICE OF MOTION

CITIBANK, N.A.,

Defendant.

TAKE NOTICE, that upon the Declaration of Barry J. Glickman, dated May 15, 2009, the Declaration of Joan Haslam, dated May 14, 2009, and the exhibits thereto, the Statement pursuant to Local Rule 56.1, the accompanying Memorandum of Law and all pleadings and proceedings heretofore had herein, defendant Citibank, N.A. shall make a motion before the Honorable Richard J. Sullivan, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, for an order:

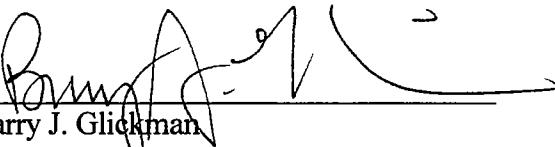
1. pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, for summary judgment dismissing the complaint; and
2. for such other and further relief as is just and proper.

TAKE FURTHER NOTICE, that opposing papers, if any, shall be served by June 5, 2009.

Dated: New York, New York
May 15, 2009

Respectfully submitted,

ZEICHNER ELLMAN & KRAUSE LLP

By: 

Barry J. Glickman
Brigitte M. Nahas Botta
Attorneys for Defendant Citibank, N.A.
575 Lexington Avenue
New York, New York 10022
(212) 223-0400

To: BARRY J. FISCHER, ESQ.
FISCHER & MANDELL LLP
Plaintiff Pro Se
550 Fifth Avenue, 6th Floor
New York, New York 10036